

ASSIGNMENT 2

Textbook Assignment: "The Law Library and Legal Research," chapter 2, pages 2-1 through 2-18, and "Court Reporting," chapter 3, pages 3-1 through 3-34.

- 2-1. What should be your first task when assigned as the law library librarian?
1. Inventory the library
 2. Make sure all materials are up to date
 3. Account for all materials on loan
 4. Know what materials are contained in the library and where they are located
- 2-2. In addition to primary sources, into what additional basic category(ies) is/are legal reference materials classified?
1. Secondary and tertiary
 2. Finding tools only
 3. Secondary and finding tools
 4. Case law, statutory law, and regulations
- 2-3. Which source of law is commonly known as the supreme law of the land?
1. Constitutional
 2. Statutory
 3. Case
 4. Administrative
- 2-4. Which source of law includes those laws passed or enacted by legislative bodies?
1. Constitutional
 2. Statutory
 3. Case
 4. Administrative
- 2-5. Which source of law is derived from the judicial system?
1. Constitutional
 2. Statutory
 3. Case
 4. Administrative
- 2-6. *U.S. Navy Regulations, 1990*, is an example of which type of law?
1. Constitutional
 2. Statutory
 3. Case
 4. Administrative
- 2-7. What is the key determiner in deciding whether a set of books is considered official?
1. Its contents report the law or cases of a single geographical area
 2. The manner in which the material is indexed is uniform
 3. It is published by virtue of statutory direction or law
 4. Its contents report the law and/or decisions of the highest court or government body
- 2-8. The rules for human behavior that are enforced by federal or state government are considered as what kind of authority?
1. Primary
 2. Secondary
 3. Official
 4. Unofficial
- 2-9. What is the purpose of a secondary authority?
1. To help the researcher find a particular law
 2. To report the statutes or decisions enacted by legislative bodies or courts
 3. To explain or describe the law
 4. To present a history of the law
- 2-10. Which of the following items is an example of a finding tool?
1. Treatise
 2. Periodical
 3. Commentary
 4. Digest

2-11. The standard minimum list of commercial lawbooks contains a list of publications that are provided to which of the following activities?

1. Naval legal service office libraries
2. Naval legal service detachment libraries
3. Staff judge advocate libraries
4. All of the above

2-12. What official or activity is responsible for providing an initial supply of materials contained on the standard minimum list?

1. JAG, Administration Section
2. Head, Field Law Library Section
3. OJAG, Publications Section
4. Navy Publications and Forms Center

2-13. Which of the following departments or officials in JAG is responsible for distributing JAG instructions and notices?

1. Executive assistant to JAG
2. CLE/Legal Assistance Policy Division of JAG
3. Head, Field Law Library Section
4. OJAG, Publications Section

2-14. OJAG, Publications Section, acts as primary advisor to JAG on all matters related to commercial lawbook needs of the field library activities.

1. True
2. False

IN ANSWERING QUESTIONS 2-15 THROUGH 2-20, SELECT FROM COLUMN B THE DEPARTMENT OF JAG INITIALLY RESPONSIBLE FOR DISTRIBUTION OF THE PUBLICATION LISTED IN COLUMN A.

	<u>A. PUBLICATIONS</u>	<u>B. DEPARTMENTS</u>
2-15.	<i>Off the Record</i>	1. <i>Head, Field Law Library</i>
2-16.	<i>Military Justice Reporter</i>	<i>Section</i>
2-17.	<i>Shepard's Citations</i>	2. <i>Executive Assistant to JAG</i>
2-18.	<i>JAG Manual</i>	3. <i>OJAG, Publications Section</i>
2-19.	<i>West Federal Forms</i>	4. <i>Legal Assistance Policy Division of OJAG</i>
2-20.	<i>Legal Assistance Newsletter</i>	

2-21. The effectiveness of legal research depends which of the following factors?

1. The amount of legal reference material available
2. The type of legal reference material available
3. How well the legal reference material is maintained and kept up to date
4. How the legal reference material is arranged

2-22. In a large NLSO, legal reference material pertaining to specific areas of law should be kept and maintained in what location?

1. In the spaces of the division primarily concerned
2. In a separate area of the law library grouped together
3. Within the law library without reference to specific areas of law
4. In a separate law library

- 2-23. Which of the following factors dictate(s) the most effective layout for your library?
1. Space
 2. Equipment limitations
 3. Both 1 and 2 above
 4. Lighting
- 2-24. In what manner are loose-leaf supplements usually maintained?
1. Inside the front cover of the published volume
 2. Inside the back cover of the published volume
 3. In a separate binder provided by the publisher
 4. In a separate binder provided by the library
- 2-25. What disposition is made of outdated pocket parts?
1. Returned to the publisher
 2. Maintained for 6 months
 3. Filed beside the appropriate volume
 4. Discarded
- 2-26. What method should be used to update a set of publications between issuance of annual pocket parts or other periodic updates?
1. Supplementary pamphlets
 2. Loose-leaf supplements
 3. Interim pamphlets
 4. Advance sheets
- 2-27. In what manner are bound volume supplements placed in a set of publications?
1. By replacing the volume they supplement
 2. By placing them next to the bound volume they supplement
 3. At the end of the publication set
 4. With the index of the publications set
- 2-28. Which of the following information is NOT recorded on a card index system card?
1. Edition
 2. Publisher
 3. Date of publication
 4. Location of the material
- 2-29. In order for a sign-out list check-out system to be effective, it should be kept in what location?
1. In the law librarian's office
 2. Outside the entrance of the library
 3. In a centralized location in the library
 4. Near the door of the library
- 2-30. Which of the following methods should be used to identify a book as belonging to your library?
1. Stamp the return mailing stamp on the three outside book edges
 2. Stamp the return mailing stamp on pages 1 and 101 of each volume
 3. Both 1 and 2 above
 4. Stamp the return mailing stamp on the outside edge of each volume
- 2-31. What method is used to request new material funded by JAG?
1. Letter request
 2. Open purchase request
 3. Telephone request
 4. Message request
- 2-32. Normally, who directs the employment of reporters in a court-martial?
1. The convening authority
 2. The OEGCMJ
 3. The trial counsel
 4. CO of the NLSO

- 2-33. The required oath for reporters may be found in which of the following publications?
1. MCM
 2. UCMJ
 3. JAGMAN
 4. NLSO Manual
- 2-34. When calling the court to order, the military judge is responsible for making sure the name and rank of the detailed court reporter are announced.
1. True
 2. False
- 2-35. What part of the testimony, if any, taken in an open session of court may be omitted from the record?
1. Sessions heard out of the presence of the court members
 2. Those proceedings determined unnecessary by the military judge
 3. The testimony ordered stricken from the record
 4. None
- 2-36. The reporter's primary duty of recording a verbatim proceeding includes what additional responsibility?
1. Recording the name of the bailiff
 2. Making sure the court is started on time
 3. Recording the actions of all parties to the trial
 4. The swearing in of witnesses
- 2-37. What person is responsible for securing any evidence during recesses or adjournments?
1. Bailiff
 2. Military judge
 3. Reporter
 4. Trial counsel
- 2-38. Trial notes and recordings must be maintained up to what point in a (a) summarized record of trial (ROT) and (b) verbatim ROT?
1. (a) Until the CA's action is taken; (b) until final action or appellate review is completed
 2. (a) Until the record is authenticated; (b) until the CA's action is taken
 3. (a) Until the record is authenticated; (b) until final action or appellate review is complete
 4. (a) Until the promulgating order is published; (b) until NCMCMR completes its action
- 2-39. Which of the following methods may be used to record the proceedings of a court-martial?
1. Shorthand and stenotype only
 2. Multichannel or videotape only
 3. Longhand, shorthand, or electrical means only
 4. Longhand, shorthand, electrical, or mechanical means
- 2-40. Which of the following items are maintained on a reporter's log?
1. The descriptions of the exhibits admitted
 2. The stages of examination
 3. The names of the members
 4. All of the above
- 2-41. When you are transcribing a record of trial, which of the following margin settings is correct?
1. Left margin, 1 1/2 inches
 2. Top margin, 2 inches
 3. Right margin, 1/2 inch
 4. Bottom margin, 1/2 inch
- 2-42. On a record of trial, in what position should second and subsequent lines be placed?
1. Indented 5 spaces
 2. Indented 2 spaces
 3. Flush with the left margin
 4. Indented 4 spaces

IN ANSWERING QUESTIONS 2-43 AND 2-44,
SELECT THE RECORD OF TRIAL ABBREVIATION
THAT CAN BE USED IN THE SITUATION LISTED
AS THE QUESTION.

2-43. As a prefix to statements.

1. Mr.
2. USS
3. U.S.
4. TC:

2-44. Used in text or when transcribing
gestures.

1. U.S.
2. TC
3. PRES:
4. MJ:

2-45. Which of the following statements
shows the correct format for using
numbers?

1. Parts two and three were
missing
2. A difference of four percent
3. It was two inches long
4. I gave him \$15.25

2-46. When testimony is transcribed, what
symbol is used to indicate that one
speaker was interrupted by another?

1.
2. ****
3. ----
4. --

2-47. What symbol is used to identify a
reporter's remark?

1. Parenthesis
2. Bracket
3. Asterisk
4. Hyphen

2-48. When you are transcribing a record,
where is the stage of examination
placed?

1. Centered on the page
2. Indented 2 spaces from the left
margin
3. Flush with the left margin
4. Indented 4 spaces

2-49. A witness called for the defense is
initially examined by the
prosecution.

1. True
2. False

2-50. Which of the following symbols is
used to mark the first appellate
exhibit admitted into evidence?

1. A
2. a
3. 1
4. I

2-51. Who is responsible for directing
that the words *for identification*
are to be removed from an exhibit?

1. Trial counsel
2. Defense counsel
3. Military judge
4. Reporter

2-52. In what manner is real evidence
marked?

1. With identifying markings on a
sticky label
2. With identifying markings on a
tag
3. By attaching an evidence
custody document
4. With identifying markings
etched on the evidence

2-53. Which of the following special
court-martial sentences requires a
verbatim record of trial?

1. 4 months' confinement
2. Total forfeitures for 2 months
3. Reduction in rate to E-1
4. 30 days' restriction, BCD

2-54. Which of the following officials is responsible for (a) assigning a security classification to a record of trial and (b) removing classified material from the accused's copy of the record of trial?

1. (a) Convening authority;
(b) trial counsel
2. (a) Trial counsel;
(b) convening authority
3. (a) Military judge;
(b) convening authority
4. (a) Convening authority;
(b) reporter

- | |
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| <p>A. Matters submitted by the accused</p> <p>B. Advice of the SJA</p> <p>C. DD Form 457</p> <p>D. Court-martial orders</p> |
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Figure 2A

IN ANSWERING QUESTION 2-55, REFER TO FIGURE 2A.

2-55. In what exact order should the respective documents be placed in a record of trial?

1. A, C, D, B
2. A, D, C, B
3. C, A, D, B
4. D, A, C, B

2-56. When, if ever, may a court reporter authenticate a record of trial?

1. When directed by the military judge
2. Only during the absence of the military judge and trial counsel
3. In a military judge alone case when the duty falls upon a member
4. Never

2-57. In what manner may a record of trial be changed after authentication?

1. Pen and ink by the trial counsel
2. Rewrite by the reporter
3. Pen and ink by the CA
4. Certificate of correction

2-58. GCM and SPCM records of trial must be served on the accused after what action?

1. Delivery to the CA
2. The ROT is authenticated
3. Assembly of the record
4. The advice of SJA is prepared

2-59. What is the purpose of the DD Form 490 kit?

1. To prepare a verbatim ROT
2. To prepare a summary ROT
3. To prepare a summarized ROT
4. To prepare an Article 32 report

2-60. Good cause must be shown to the CA for a member to be excused after which of the following stages of a court-martial?

1. Pleas
2. Arraignment
3. Article 39a hearing
4. *Voir dire*

2-61. Which of the following personnel may NOT be punished for contempt of court?

1. Trial counsel
2. Reporter
3. Members
4. Bailiff

2-62. When does the punishment of a fine adjudged during contempt proceedings take effect?

1. Immediately when adjudged
2. Upon completion of the court-martial in which the contempt occurred
3. When ordered executed by the CA
4. When ordered executed by the promulgating order of the case in which it occurred

- 2-63. In what manner is an offender of a contempt proceeding notified of the holding, punishment, and CA's action?
1. Orally by the military judge
 2. By notation in the promulgating order
 3. By forwarding a copy of the contempt proceedings to the offender
 4. By letter from the CA
- 2-64. Who is responsible for preparing a certificate of correction?
1. Reporter
 2. Trial counsel
 3. Military judge
 4. Convening authority
- 2-65. Which of the following statements regarding a proceedings in revision is NOT correct?
1. The court may revoke its former findings
 2. The court may announce a new finding
 3. A new military judge may be detailed to a case previously heard by a military judge alone
 4. Some original members may be absent as long as a quorum is present
- 2-66. In what case must the summary of evidence considered by a summary court-martial be attached to the record?
1. The accused pled not guilty and was found guilty
 2. The accused pled guilty and was found guilty
 3. The accused pled guilty and was found not guilty
 4. The accused pled not guilty and was found not guilty
- 2-67. What are the two types of depositions that can be taken to preserve the testimony of a witness who is unable to be in court?
1. Formal and informal
 2. Formal and oral
 3. Written and oral
 4. Written and informal
- 2-68. Once interrogatories, objections, and cross interrogatories are prepared and approved by the CA, what step is taken next?
1. The TC requests the assignment of a deposition officer
 2. The TC prepares a DD Form 456
 3. The CA appoints a deposition officer
 4. The CA sends the deposition form to the deposition officer
- 2-69. Objections made during the taking of a written deposition are ruled on by what official or activity?
1. Deposition officer
 2. The court
 3. The convening authority
 4. Convening authority of the deposition officer
- 2-70. An oral deposition is authenticated by what official?
1. Trial counsel
 2. Defense counsel
 3. Deposition officer
 4. Deponent